

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Morelli Taylor Sportfishing and Marine Supply,
LLC, d.b.a. Leo's SportFishing,

Plaintiff,

v.

Dan Robin Catalano, et al.,

Defendants.

NO. C 07-04947 JW

**ORDER SETTING HEARING ON
DEFENDANT'S MOTION TO VACATE
ORDER OF ARREST OF VESSEL FOR
OCTOBER 11, 2007 AT 1:30 P.M.**


On September 25, 2007, Morelli Taylor Sportfishing and Marine Supply, LLC, a California limited liability company doing business as Leo's SportFishing ("Plaintiff"), filed a Verified Complaint against Dan Robin Catalano ("Defendant") *in personam* and against his vessel *in rem* alleging, *inter alia*, causes of action for breach of contract, quantum meruit, and account stated. (Verified Complaint, Docket Item No. 1.) That same day, Judge Ronald Whyte ordered the arrest of Defendant's vessel. (Order for Issuance of Warrant of Arrest of Vessel, Docket Item No. 5; Warrant for Arrest of Vessel, Docket Item No. 6.)

On October 3, Defendant noticed a Motion to Vacate the Order of Arrest before Magistrate Judge Lloyd for an October 9, 2007 hearing date. (Motion to Vacate the Order of Arrest, Docket Item No. 7.) However, due to the potentially dispositive nature of Defendant's motion and Plaintiff's indication that it would decline to proceed before Judge Lloyd, the case was reassigned to this Court and the hearing was vacated. (Order Reassigning Case, Docket Item No. 13.)

1 Plaintiff appeared before the Court on October 9, 2007. Defendant was not present but
2 communicated with the Court that it read the Order of Reassignment and assumed that its motion
3 was off calendar.

4 Pursuant to Rule 4-8, the Court sets a hearing on Defendant's Motion to Vacate the Order of
5 Arrest for **Thursday, October 11, 2007 at 1:30 p.m.** The Court's Order of Arrest of the Vessel
6 shall remain in effect until that time.

7
8 Dated: October 9, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Joseph W. McCarthy mccarthytravel@prodigy.net
3 Max L. Kelley mkelley@cwghp.com
4 Mitchell S. Griffin mgriffin@cwghp.com

5 **Dated: October 9, 2007**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**

United States District Court

For the Northern District of California

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